

**Title 35-A: PUBLIC UTILITIES**  
**Chapter 87: TELECOMMUNICATIONS RELAY SERVICES**

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**Maine Revised Statutes**  
**Title 35-A: PUBLIC UTILITIES**  
**Chapter 87: TELECOMMUNICATIONS RELAY SERVICES**

**§8701. FINDINGS**

The Legislature finds and declares that it is in the public interest to establish an effective statewide system to provide continuous telecommunications relay services to facilitate communication between deaf, hard-of-hearing or speech impaired persons who use telecommunications devices for the deaf and persons using standard telephone equipment. [ 2009, c. 68, §5 (AMD) . ]

SECTION HISTORY

1989, c. 851, §7 (NEW). 2009, c. 68, §5 (AMD) .

**§8702. DEFINITIONS**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [ 1989, c. 851, §7 (NEW) . ]

**1. Advisory council.** "Advisory council" means the Telecommunications Relay Services Advisory Council.

[ 1989, c. 851, §7 (NEW) . ]

**2. Blockage level.** "Blockage level" means the proportion of placed calls that fail to reach a relay operator.

[ 1989, c. 851, §7 (NEW) . ]

**3. Deaf person.** "Deaf person" means a person whose sense of hearing is nonfunctional for the purpose of ordinary communication.

[ 1989, c. 851, §7 (NEW) . ]

**3-A. Hard-of-hearing person.** "Hard-of-hearing person" means a person who has a hearing loss in the range of mild to profound, who uses residual hearing and who prefers to speak and listen with the help of amplification, implantable devices, assistive technology and speechreading.

[ 2009, c. 68, §6 (NEW) . ]

**4. Hearing impaired person.**

[ 2009, c. 68, §7 (RP) . ]

**5. Speech impaired person.** "Speech impaired person" means a person whose speech is nonfunctional or diminished for the purpose of ordinary communication.

[ 2009, c. 68, §8 (AMD) . ]

**5-A. Speechreading.** "Speechreading" means a technique of understanding speech by visually interpreting the movements of the lips, face and tongue with information provided by the context, language and any residual hearing.

[ 2009, c. 68, §9 (NEW) .]

**6. Telecommunications device for the deaf or TDD.** "Telecommunications device for the deaf" or "TDD" means a teletypewriter, or TTY, or other telecommunication equipment used by deaf, hard-of-hearing or speech impaired persons to conduct telephone communications, including but not limited to devices required for captioned telephone service, equipment necessary to perform video relay service and 2-way paging devices.

[ 2009, c. 68, §10 (AMD) .]

**7. Telecommunications relay service.** "Telecommunications relay service" means a service transmitting messages and information between a person using a telecommunications device for the deaf and another person.

[ 2009, c. 68, §11 (AMD) .]

#### SECTION HISTORY

1989, c. 851, §7 (NEW). 2009, c. 68, §§6-11 (AMD).

## §8703. REQUIREMENTS

Telecommunications relay services must conform to the following requirements. [1989, c. 851, §7 (NEW) .]

**1. Geographic availability.** Services must be available on a statewide basis to the extent that they are technologically feasible.

[ 2009, c. 68, §12 (AMD) .]

**2. Temporal availability.** Services must be available 24 hours a day for every calendar day of the year.

[ 1989, c. 851, §7 (NEW) .]

**3. Accessibility.** Relay service operators may not refuse calls or limit the length of calls.

[ 1989, c. 851, §7 (NEW) .]

**4. Blockage level.** The allowable blockage level for the telecommunications relay services must be reasonable. Complaints relating to the reasonableness of the blockage level may be brought to the commission by the advisory council or by 10 or more aggrieved persons pursuant to section 1302, subsection 1.

[ 1989, c. 851, §7 (NEW) .]

**5. Confidentiality.** The providers of telecommunications relay services shall keep relay service communications confidential.

[ 2015, c. 250, Pt. C, §6 (AMD) .]

**6. User fee prohibited.** A separate fee for telecommunications relay services may not be assessed to users of the services.

[ 1989, c. 851, §7 (NEW) . ]

**7. Recovery of expenses and costs.** The costs for telecommunications relay services must be recovered through the state universal service fund pursuant to section 7104, subsection 7.

[ 2005, c. 305, §3 (AMD) . ]

**8. Advisory council.** The providers of telecommunications relay services must take into consideration any comments from the advisory council.

[ 1989, c. 851, §7 (NEW) . ]

**9. Restrictions.** Upon request, the providers of telecommunications relay services shall make known to users of the services any restrictions on the types of calls handled such as collect calls and automated information services.

[ 1989, c. 851, §7 (NEW) . ]

**10. Notification of rates or charges.** Upon request, the providers of telecommunications relay services shall make known to users any rates or charges for the services.

[ 1989, c. 851, §7 (NEW) . ]

#### SECTION HISTORY

1989, c. 851, §7 (NEW). 2005, c. 305, §3 (AMD). 2009, c. 68, §12 (AMD). 2015, c. 250, Pt. C, §6 (AMD).

### §8704. ADVISORY COUNCIL

The Telecommunications Relay Services Advisory Council, as established by Title 5, section 12004-G, subsection 30-C, shall evaluate telecommunications relay services in this State and provide advice to providers of telecommunications relay services. [2005, c. 605, §5 (AMD).]

**1. Membership.** The advisory council consists of 12 members as follows:

A. The Director of the Division for the Deaf, Hard of Hearing and Late Deafened, Bureau of Rehabilitation Services, Department of Labor, or a designee; [2009, c. 174, §26 (AMD).]

B. The chair of the Commission for the Deaf, Hard of Hearing and Late Deafened established by Title 5, section 12004-J, subsection 17, or a designee; [2009, c. 652, Pt. A, §48 (AMD).]

C. One member from the Public Utilities Commission, appointed by the commissioners; [1989, c. 851, §7 (NEW).]

D. One member from the office of the Public Advocate, appointed by the Public Advocate; and [1989, c. 851, §7 (NEW).]

E. Eight members appointed by the Governor as follows:

(1) One member from the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf;

(2) One member from a statewide association for the deaf;

(3) One member from a disability rights organization in this State;

- (4) One member from the largest incumbent local exchange carrier providing telecommunications relay service in this State;
- (5) One member of a telephone association in this State, except that the representative under this subparagraph may not be a representative of the carrier under subparagraph (4);
- (6) Two members from the general public who use telecommunications devices for the deaf that operate in connection with telecommunications relay services as their primary means of telecommunications; and
- (7) One member representing a company that provides telecommunications relay services through the Internet, wireless telecommunications or cable telecommunications. [2015, c. 398, §1 (AMD).]

[ 2015, c. 398, §1 (AMD) .]

**2. Compensation.** Compensation is not authorized.

[ 1989, c. 851, §7 (NEW) .]

**3. Technical assistance.** The commission shall provide technical assistance to the advisory council.

[ 1989, c. 851, §7 (NEW) .]

**4. Appointment of chair and vice-chair.** The members shall annually elect a chair and a vice-chair from among the membership. The vice-chair shall serve as acting chair in the absence of the chair. The council shall meet at the call of the chair but no fewer than 4 times during the calendar year. The chair may delegate, as necessary, duties to members to carry out the functions of the council.

[ 1989, c. 851, §7 (NEW) .]

**5. Powers and duties.** The advisory council shall evaluate telecommunications relay services in this State and shall advise providers of telecommunications relay services regarding telecommunications relay service matters, including, but not limited to, the development of training standards and an evaluation of the service being provided, including the quality and availability of that service. The advisory council may enter into contracts with telecommunications relay service providers for the purpose of providing telecommunications relay services.

[ 2005, c. 605, §6 (AMD) .]

**SECTION HISTORY**

1989, c. 851, §7 (NEW). 1993, c. 708, §J12 (AMD). 2001, c. 377, §3 (AMD). 2005, c. 279, §17 (AMD). 2005, c. 605, §§5,6 (AMD). 2009, c. 68, §13 (AMD). 2009, c. 174, §§26, 27 (AMD). 2009, c. 652, Pt. A, §48 (AMD). 2013, c. 40, §1 (AMD). 2015, c. 398, §1 (AMD).

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